

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RUTH NADINE MILLER,  
Now Ruth Nadine Nemeth,  
Plaintiff**

**v.**

**ANDREW M. SAUL,<sup>1</sup>  
Commissioner of  
Social Security,  
Defendant**

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:(Magistrate Judge Cohn)  
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No. 3:17cv1810

(Judge Munley)

**ORDER**

**AND NOW**, to wit, this 6<sup>th</sup> day of August 2019, we have before us for disposition Magistrate Judge Gerald B. Cohn's report and recommendation, which proposes the denial of plaintiff's social security appeal. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on

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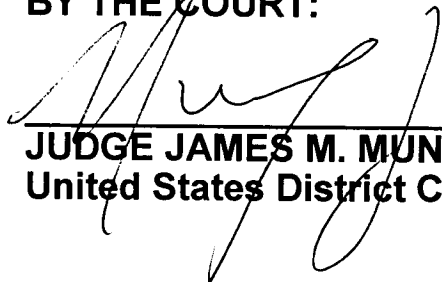
<sup>1</sup> At the time the case was filed, the Acting Commissioner of Social Security was Nancy A. Berryhill, and thus, plaintiff named her as the defendant. Andrew M. Saul became the Commissioner of Social Security on June 17, 2019. See OFFICIAL SOCIAL SECURITY WEBSITE <https://www.ssa.gov/agency/commissioner.html> (last accessed July 10, 2019). Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, as the new Commissioner of Social Security, Andrew M. Saul is automatically substituted for the original defendant. FED. R. CIV. P. 25(d).

the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 10) is **ADOPTED**;
- 2) The plaintiff's social security appeal is **DENIED** and the Commissioner's decision in this case is **AFFIRMED**;
- 3) The Clerk of Court is directed to enter judgment in favor of the defendant and against the plaintiff and to close this case.

**BY THE COURT:**



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**JUDGE JAMES M. MUNLEY**  
**United States District Court**